

Ira S. Sacks
Mark S. Lafayette
DREIER LLP
499 Park Avenue
New York, New York 10022
(212) 328-6100

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
DIESEL PROPS S.R.L. and
DIESEL KID S.R.L.,

Plaintiffs/Counter-Defendants,

-against-

GREYSTONE BUSINESS CREDIT II LLC
and GLOBAL BRAND MARKETING INC.,

Defendants/Counter-Plaintiffs,

-against-

DIESEL S.p.A.,

Third-Party Defendant.
-----X

Civil Action No.
07 CV 9580 (HB)

NOTICE OF MOTION

PLEASE TAKE NOTICE THAT upon the accompanying Declaration of Ira S. Sacks dated July 15, 2008, and the exhibits annexed thereto and documents and matter incorporated by reference therein, and the pleadings and all prior proceedings had herein, Plaintiffs Diesel Props S.R.L. ("Props") and Diesel Kid S.R.L. ("Kid"), by and through their attorneys, Dreier LLP, hereby renew their motion (a) for an order pursuant to Rules 12(b), 12(b)(1) and/or 12(b)(3) of the Federal Rules of Civil Procedure and/or this Court's authority to decline jurisdiction, dismissing the counterclaims filed by Defendants Greystone Business Credit II, L.L.C. ("Greystone") and Global Brand

Marketing, Inc. (“GBMI”) (together, the “Counterclaims”) in the above-captioned action because applicable forum selection clauses mandate that such Counterclaims be brought in Milan, Italy, and/or (b) an order pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure dismissing the Counterclaims for failure to state a claim against Props and Kid upon which relief may be granted, and for such other and further relief as the Court deems just and proper, before the Honorable Harold Baer, Jr., United States District Judge, at the United States Courthouse, 500 Pearl Street, New York, New York, at such time as the Court directs.

PLEASE TAKE FURTHER NOTICE THAT Props and Kid further move this Court for an order pursuant to Rules 12(f), 15(a) and 16 of the Federal Rules of Civil Procedure, and Rule 4(A)(i) of the Individual Practices of the Honorable Harold Baer, Jr., striking all new and unauthorized portions of the Answer, Counterclaims and Third-Party Complaint filed by each of Greystone and GBMI on July 2, 2008, in response to the Third Amended Complaint of Props and Kid, dated June 2, 2008, and for such other and further relief as the Court deems just and proper.

Dated: New York, New York
July 15, 2008

DREIER LLP

By: s/ Ira S. Sacks
Ira S. Sacks
499 Park Avenue
New York, New York 10022
(212) 328-6100
(212) 328-6101 (facsimile)
Counsel for Plaintiffs